

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 23-27, 2001

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-12**	EX	75/486,133	Louis R. Bucalo	Cissel* Hohein Chapman	2(e)(1)	Refusal Affirmed		"NEWSPHONE" [telephone information services featuring local, national and international news that customers access by telephone]		R. Lorenzo	No
3-12**	EX	75/469,129	Pentel of America, Ltd.	Cissel* Walters Holtzman	2(d)	Refusal Affirmed		"ICY" [automatic pencils having colored translucent plastic barrels sold in a variety of colors resembling flavored ice]	"ICEE" [pens and pencils]	Lohr	No
3-12**	EX	75/533,640	John A. Van Den Bosch Co.	Cissel Bottorff Drost*	2(e)(1)	Refusal Affirmed		"CANINE COMPLETE" [dog food]		Strzyz	No
4-23	EX	75/584,372	Eastgate Health Care Center, Inc.	Hohein* Hairston Drost	2(d)	Refusal Affirmed		"DAYSPRING" [providing health care management services, namely, a professional nursing facility]	"DAYSPRING" [rehabilitation of former adolescent drug addicts]; "DAYSPRING" (and design) [adult and adolescent alcohol and chemical dependency rehabilitation services]	R. Smith	No
4-23	EX	75/310,166	Ladex Corp.	Hanak Rogers Drost*	2(d)	Refusal Affirmed		"SUNDAY'S BEST" [frozen shrimp sold through wholesale channels and only to restaurant and other institutional and commercial buyers]	"SUNDAY BEST" [poultry]	DuBois	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

**Inadvertently omitted from Summary of Final Decisions March 12-16, 2001

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 23-27, 2001 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
4-25	CANC (MD)	14,936	Shen Mfg. Co. Inc. v. Ritz Hotel	Quinn Chapman Wendel [Opinion "By the Board" (Chapman)]	whether respondent is entitled to judgment under Rule 2.132(a); motion to reopen	Petition to Cancel Denied (Respondent's motion to dismiss granted)	"RITZ" [kitchen textiles and related goods]	"HOTEL RITZ" [drinking glasses; champagne]			No
4-26	EX EX	75/386,729 75/606,017	Mack Trucks, Inc.	Seeherman Hairston Holtzman*	2(d)	Refusal Affirmed (in both cases)		"VISION" and "VISION BY MACK" [both marks for trucks]	"VISION" [beverage delivery trailers]	Pappas	No
4-26	EX	74/540,041	Ricardo Arregui	Cissel Hanak Walters*	2(e)(3)	Refusal Affirmed		"OLD HAVANA RUM" (and design) [rum and rum specialty drinks]		Reihner	No
4-26	EX	75/538,498	Concurrent Technologies Corp.	Cissel* Holtzman Drost	2(e)(1)	Refusal Affirmed		"VIRTUALCAST" [computer software for simulating metal forming processes, namely, comprehensive mold filling and solidification simulation, with advanced user interfaces allowing users to define specific properties, store information and utilize visualization tools]		Glynn	No
4-26	EX	75/354,735	Winner Int'l. Royalty LLC	Hanak* Quinn Holtzman	2(e)(1)	Refusal Affirmed		"HARDWARE SECURITY SERIES" [metal mechanical locks]		Ho	No

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4-26	EX	75/547,196	Perdue Holdings, Inc.	Cissel Wendel* Holtzman	whether the specimens of record show service mark use of the matter applicant seeks to register	Refusal Affirmed		"PERDUE.COM" [providing information regarding food products, food preparation, food storage, recipes, and applicant via a global computer network; and providing recipe exchange services via a global computer network]		Vanston	No
4-26	CANC (MD)	25,774	Comision Regata 2000 Puerto Rico and Operation Sail v. American Sail Training Association	Hohein Rogers Drost [Opinion "By the Board" (Hohein)]	whether cancellation should be dismissed under Rule 2.132(a) for failure to present evidence	Petition to Cancel Denied (Respondent's motion to dismiss granted)		"TALL SHIPS," "TALL SHIPS ARE COMING!," and "TALL SHIPS 2000" [all three marks for organizing, arranging, and sponsoring sailing races, as well as other goods and/or services related thereto]			No

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